

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO

GREGORY ROBINSON,	)	CASE NO. 1:07 CV 643
	)	
Plaintiff,	)	JUDGE JOHN R. ADAMS
	)	
v.	)	<u>MEMORANDUM OF OPINION</u>
	)	<u>AND ORDER</u>
WILLIAM MASON, et al.,	)	
	)	
Defendants.	)	

On March 5, 2007, plaintiff pro se Gregory Robinson, an inmate at the Mansfield Correctional Institution, filed this civil rights action against Cuyahoga County Prosecutor William Mason and Assistant Cuyahoga County Prosecutor Kaya Ikuma. The complaint asserts plaintiff's conviction and prosecution in the Ohio Court of Common Pleas on charges of rape, gross sexual imposition, and compelling prostitution, for which he is currently incarcerated, was invalid. In particular, he asserts the grand jury was given false information in violation of due process, his convictions violate the ex post facto clause, and his convictions are a nullity because the trial court lacked subject matter jurisdiction. As relief, Mr. Robinson asks that "the indictment be voided."

A district court is expressly required to dismiss any civil action filed by a prisoner seeking relief from a governmental employee or entity, as soon as possible after docketing, if the court concludes that the complaint fails to state a claim upon

which relief may be granted, or if the plaintiff seeks monetary relief from a defendant who is immune from such relief. 28 U.S.C. §1915A; Siller v. Dean, No. 99-5323, 2000 WL 145167 , at \*2 (6th Cir. Feb. 1, 2000).

This action presents a direct challenge to plaintiff's conviction and resulting incarceration. When a prisoner challenges "the very fact or duration of his physical imprisonment, ... his sole federal remedy is a writ of habeas corpus." Preiser v. Rodriguez, 411 U.S. 475 (1973).

Accordingly, this action is dismissed pursuant to 28 U.S.C. § 1915A. Further, the court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal from this decision could not be taken in good faith.

IT IS SO ORDERED.

Date: April 5, 2007

S/John R. Adams  
JOHN R. ADAMS  
UNITED STATES DISTRICT JUDGE